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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,130	10/02/2003	Karl-Hans Baernklau	32860-000638/US	6019
30596	7590	03/30/2005	EXAMINER	
HARNESSE, DICKEY & PIERCE, P.L.C.			DONOVAN, LINCOLN D	
P.O.BOX 8910			ART UNIT	
RESTON, VA 20195			PAPER NUMBER	
			2832	

DATE MAILED: 03/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/676,130

Applicant(s)

BAERNKLAU ET AL.

Examiner

Lincoln Donovan

Art Unit

2832

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-9 and 11-20 is/are rejected.
- 7) ☒ Claim(s) 3 and 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                                               |                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                                              | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                          | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10-02-03</u> . | 6) <input type="checkbox"/> Other: _____                                                |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 4-7, 11-14 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meriwether [US 5,844,186] in view of Yamagata et al. [US 6,559,745].

Meriwether discloses a motor contactor [10] with a mechanical lockout [figure 1] comprising:

- an electromagnetic drive apparatus [12];
- a moving contact [column 3, lines 55-60] operable by the drive apparatus and switchable between a closed position adapted to connect terminals and a disconnected position adapted to disconnect the terminals;
- an actuating apparatus [55] including a linear actuated, along a common axis with the contact, actuating element [22] adapted to interact with the moving contact element movable between an operating position and a safe position wherein, in the operating position, the moving contact is switchable by the electromagnetic drive between the open and closed positions and wherein by movement of the actuating element to the safe position, the moving contact element is adapted to be blocked from moving the contact to the closed position.

Meriwether disclose everything claimed except the use of bridging type contacts for the movable contact.

Yamagata et al. discloses a circuit breaker [figure 1a] having a manual operating mechanism [5] cooperating with a bridge type contact [2].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use bridge type contacts with the switching device of Meriwether, as suggested by Yamagata et al., for the purpose of reducing contact welding.

Regarding claims 8 and 15, Meriwether disclose everything claimed except the use of a rotary switch actuate the actuator.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a rotary switch to actuate the actuator in order to decrease the force necessary to provide actuation.

Regarding claims 9 and 16, Meriwether discloses the use of a padlock to maintain the various locked positions [figure 3, column 4, line 61-column 5, line13].

#### ***Allowable Subject Matter***

Claims 3 and 10 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

Applicant's arguments filed 01-05-05 have been fully considered but they are not persuasive.

Applicant argues that plate [32] is fixed to the contactor and not movable as an actuating element. Examiner had intended the actuating element to be [22].

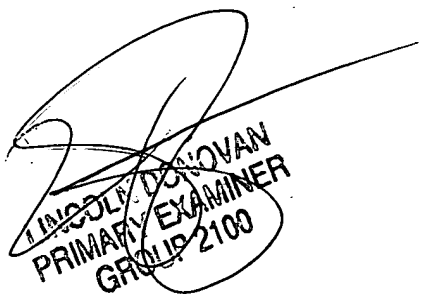
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lincoln Donovan whose telephone number is 571-272-1988. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Enad Elvin can be reached on 571-272-1990. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ldd

  
LINCOLN DONOVAN  
PRIMARY EXAMINER  
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